IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.628 OF 1996

IN

SUM. SUIT NO. 2016 OF 1996

Smt. Ramdevi Malchand Bagri
& Ors. .. Plaintiffs

vs.

Savitri Govind Badrecha .. Defendant.

Simil Purohit a/w Ms. Deepa R. Hate i/by
Gajaria & Co. for plaintiffs.

CORAM : S.U.KAMDAR, J.

DATE : 5th September, 2005.

P.C.

. The summons for judgment is pending in this Court for the last nine years. No steps are taken by the plaintiff. The plaintiff has produced a praecipe addressed to the Prothonotary and Senior Master in which the incorrect summary suit number is sought to be corrected. That correction has also come after six years. In my opinion, in the light of the fact that Order 37 is a summary proceedings and the plaintiff must be vigilant in conducting such proceedings particularly in view of the

Division Bench judgment in the case of Bankay Bihari B. Agarwal & Ors. s. Bhagwanji Meghaji & Ors, reported in 2001 (2) Bom. C.R. pg. 86. There is no explanation for delay of nine years in prosecuting this summons for judgment. Summons for judgment dismissed. Unconditional leave to defend.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from today. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.